

REMARKS

The Examiner has rejected claim 22 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 889,593 to Fleischmann ("Fleischmann"). However, to reject a claim under 35 U.S.C. § 102(b), the Office must demonstrate that each and every claim limitation is identically disclosed in a single prior art reference. (*See Scripps Clinic & Research Foundation v. Genentech, Inc.*, 18 U.S.P.Q.2d 1001, 1010 (Fed. Cir. 1991)). "The identical invention must be shown in as complete detail as is contained in the claim." M.P.E.P. § 2131. For the reasons that follow, the rejection of independent claim 22 should be withdrawn. Because claim 23 depends from base claim 22, it too is allowable and the objection thereof should also be withdrawn.

The rejection of claim 22 should be withdrawn because Fleischmann does not disclose each and every claim limitation of claim 1 identically. According to the Office Action, "Fleischmann discloses a locking fastener assembly comprising a nut (9), a washer (1). The nut and washer having annular bearing surfaces (10, 3) with inclined bearing faces (12, 7) being rotatable relative to one another. The washer having an opposite clamping surface with a body portion (opposite bearing surface 3) and flange. The flange including plural segments (5) separated by radial slots (4)." However, Applicant respectfully points out that Fleischmann does not disclose a washer with an annular bearing surface "having a plurality of inclined bearing faces oriented circumferentially and forming portions of an undulating annular bearing surface." Fleischmann teaches "spear headed or pointed ears 7." *Fleischmann*, Col. 2, ll. 64-65. In *Fleischmann*, the ears 7 act as "stops" with the base surface 3 of the washer acting as the bearing surface. *Fleischmann*, Col. 2, ll. 70-74. As stated clearly in *Fleischmann*, the base surface 3 of the washer is "a flat circular portion 3 which forms a base upon which the nut ... rotates." *Fleischmann*, Col. 1, ll. 45-47. Consequently, as *Fleischmann* makes quite clear, the annular nut bearing surface on the washer is "flat," not "an undulating annular bearing surface." Therefore, Applicant respectfully requests that the rejection of claim 22 and the objection to claim 23 be withdrawn.

Applicant submits that the subject matter of the present application is novel, non-obvious, and useful, and therefore respectfully request prompt consideration and allowance of the application.

Respectfully Submitted,

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